

**In the Claims:**

1. (Currently Amended) An optical pickup apparatus for recording and/or reproducing main information by irradiating with light a recording medium formed of a plurality of recording layers, the optical pickup apparatus comprising:

a light source;

a light collecting means for collecting collector configured to collect emitted light emitted from the light source onto one recording layer of the recording medium, the light collecting means collector being provided so as to be displaceable in a variable direction perpendicular to an optical axis of the emitted light within a movable range including a neutral position centering on the optical axis of the emitted light led to the light collecting means collector, ~~[[and]]~~ the light collector being configured to change, by the displacement in the movable direction, ~~changing~~ a light collection position in the recording medium of the emitted light;

a light receiving means for receiving receiver configured to receive reflected light reflected by the recording medium, the light receiving means receiver having first and second light receiving portions ~~for obtaining~~ configured to obtain track position information which is information of the light collection position of the emitted light with respect to a direction parallel to the recording layer, and shift information of the light collecting means collector from the neutral position, and a third light receiving portion ~~for obtaining~~ configured to obtain focus position information which is information of the light collection position of the emitted light with respect to a direction perpendicular to the recording layer;

a splitter splitting means having a first splitting portion, a second splitting portion, and a third splitting portion, ~~for leading~~ configured to lead the reflected light via the light collecting means collector and splitting split the reflected light on the respective first to third splitting portions, the first splitting portion leading the reflected light to the first light receiving portion, the second splitting portion leading the reflected light to the second light receiving portion, the third splitting

portion leading the reflected light to the third light receiving portion, the first and second splitting portions being disposed in a residual region excluding an axial vicinity portion in a vicinity of a splitting axial line corresponding to an optical axis of the reflected light led to the ~~splitting means~~ splitter when the light ~~collecting means~~ collector is located at the neutral position, wherein the axial vicinity portion is formed in a region including a mobilization regional portion at the time that a radiation range of the reflected light reflected by other recording layers is displaced along with the displacement of the light collector, in a case where the radiation range of the reflected light reflected by the other recording layers except for the one recording layer is smaller than a radiation range of the reflected light reflected by the one recording layer; and

a controller configured to obtain ~~control means for obtaining~~ the track position information and shift information by a result of light reception by the light ~~receiving means~~ receiver and, ~~controlling control~~ the light collection position of the emitted light in the recording medium by controlling a position of the light ~~collecting means~~ collector based on the track position information and shift information.

2. (Cancelled).

3. (Currently Amended) The optical pickup apparatus of claim 1 ~~or 2~~, wherein in a case where the light collection position of the emitted light is located on the one recording layer, the reflected light reflected by ~~[[the]]~~ other recording layers is irradiated onto the ~~splitting means~~ splitter in the radiation range which is smaller than that of the reflected light reflected by the one recording layer.

4. (Currently Amended) The optical pickup apparatus of ~~any one of claims~~ claim 1 or 3, wherein the light source emits light whose central wavelength is within a wavelength range of 650 nanometer or more and 660 nanometer or less.

5. (Currently Amended) The optical pickup apparatus of any one of claims 1 ~~or 3~~ to 4, further comprising a diffractor ~~diffracting means~~ interposed between the light source and the light

~~collecting means~~ collector, ~~for partly diffracting the diffractor being configured to partly diffract~~ the emitted light[[,]] and ~~forming form~~ a main beam for obtaining the main information recorded on the recording medium[[,]] and a sub beam for obtaining the position information for controlling the light collection position of the main beam.

6. (Currently Amended) The optical pickup apparatus of any one of claims 1 or 3 - ~~to~~ 5, wherein the ~~control means~~ controller obtains the focus position information in accordance with a knife-edge method based on the result of the light reception by the third light receiving portion, and controls the position of the light ~~collecting means~~ collector based on the focus position information, and thereby the light collection position of the emitted light in the recording medium is controlled.

7. (Currently Amended) The optical pickup apparatus of any one of claims 1 or 3 - ~~to~~ 6, wherein the ~~control means~~ controller obtains the track position information in accordance with a phase contrast method based on the result of the light reception by the first light receiving portion and the result of the light reception by the second light receiving portion, and controls the position of the light ~~collecting means~~ collector, and thereby the light collection position of the emitted light in the recording medium is controlled.

8. (Currently Amended) The optical pickup apparatus of any one of claims 1 or 3 - ~~to~~ 6, wherein the ~~control means~~ controller obtains the track position information in accordance with a differential push pull method based on the result of the light reception by the first light receiving portion and the result of the light reception by the second light receiving portion, and controls the position of the light ~~collecting means~~ collector, and thereby the light collection position of the emitted light in the recording medium is controlled.

9. (Currently Amended) The optical pickup apparatus of any one of claims 1 or 3 - ~~to~~ 8, wherein the axial vicinity portion is a circular portion having a splitting axial line as a center.

10-22. (Cancelled).